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10
11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 PAUL JEFFREY VOLL, an individual,

14 Plaintiff,

15 vs.

16 UNITED STATES OF AMERICA, DAVID N.
17 KARPEL, individually, DOES 1 through 100;
18 and ROES 1 through 100; inclusive,

19 Defendants.

CASE NO.: 2:22-cv-00610-JCM-BNW

20 **STIPULATION TO EXTEND DEADLINE**
21 **TO RESPOND TO USA AND KARPEL'S**
22 **MOTIONS TO DISMISS [ECF NOS. 12**
23 **AND 13]**

(Sixth Request)

24 NOW COME the Plaintiff, PAUL JEFFREY VOLL ("Plaintiff"), by and through his
25 attorneys, Melanie A. Hill and Melanie Hill Law PLLC, and the Defendants, UNITED STATES OF
26 AMERICA and DAVID N. KARPEL, by and through their attorney Jacob A. Bennett, who hereby
27 stipulate that the deadlines for Plaintiff to respond to Defendant USA and Karpel's Motions to
28 Dismiss [ECF Nos. 12 and 13] and Defendant USA and Karpel's deadlines to reply to Plaintiff's
responsive filing be extended pursuant to Local Rule IA 6-1.

This is the parties' sixth request for an extension of deadlines. The parties originally filed a
stipulation [ECF No. 10] that extended Defendant United States' response deadline to align with
Defendant Karpel's. That stipulation would have also extended Plaintiff's deadline to respond to the
instant Motions to Dismiss. However, the Court only granted Defendants' extension to respond to

1 the Complaint and denied the request to extend the briefing schedule without prejudice. See Order
2 [ECF No. 11]. The Court then instructed the parties to file a separate stipulation extending Plaintiff's
3 deadline to respond to Defendants' Motions to Dismiss to be heard by the District Judge. *Id.* That
4 stipulation was filed and granted. In support of this Stipulation and request, the parties state as
5 follows:

6 1. Defendant USA and Karpel filed their Motions to Dismiss on October 7, 2022 [ECF
7 Nos. 12 and 13].

8 2. Pursuant to the Order granting the third stipulation [ECF No. 17], Plaintiff's
9 deadline to respond to the Motions to Dismiss was December 14, 2022.

10 3. On December 6, 2022, the Parties filed a Fourth Stipulation [ECF No. 20] to further
11 extend Plaintiff's response deadline. The Court granted this stipulation, which gave Plaintiff until
12 January 25, 2023, to respond to Defendants' motions. *See* ECF No. 21.

13 4. On January 25, 2023, Plaintiff filed a Motion for a Fifth Extension of Time, which
14 requested a response deadline of March 8, 2023. ECF No. 22. Defendants declined to oppose the
15 motion and gave constructive consent to the extension it sought. *See* L.R. 7-2(d).

16 5. As of today, the Court has not ruled on Plaintiff's motion.

17 6. Prior to filing the second stipulation request [ECF No. 14], counsel for the Plaintiff
18 and counsel for the government in the local U.S. Attorneys' office conferred to attempt to resolve
19 counsel for Plaintiffs request to be added to the Protective Order in place in the underlying criminal
20 case so that Plaintiff may share the criminal discovery with undersigned counsel. The discovery is
21 necessary to further plead the complaint in this case in response to arguments made in the currently
22 pending motions.

23 7. Counsel for Plaintiff also conferred with the local U.S. Attorneys' office regarding
24 the same. Counsel determined that a motion would be necessary to allow counsel for Plaintiff to be
25 added to the Protective Order in the underlying criminal case so that discovery may be reviewed by
26 counsel for Plaintiff and used to further plead the complaint in this case.

27 8. On November 18, 2022, Plaintiff's counsel filed a Motion to Be Added to the
28 Protective Order in the Underlying Criminal Case [ECF No. 17] in this case. The Motion was denied

1 without prejudice by Magistrate Judge Weksler on November 23, 2022 [ECF No. 19] stating: “The
2 parties in this case may file a joint request for a Protective Order regarding the discovery that Plaintiff
3 in this case will obtain from the Government.”

4 9. The parties further conferred on filing of the Motion to Be Added to the Protective
5 Order in the criminal case.

6 10. On January 25, 2023, Plaintiff filed the Motion to Be Added to the Protective Order
7 in the criminal case [ECF No. 2296 in 2:16-cr-00265-GMN-NJK].

8 11. On January 31, 2023, Magistrate Judge Koppe ordered the United States to file a
9 response indicating its position on Defendants' motion no later than February 6, 2023 [ECF No. 2297
10 in 2:16-cr-00265-GMN-NJK].

11 12. On February 2, 2023, the United States filed its response indicating that it did not
12 oppose the Motion [ECF No. 2298 in 2:16-cr-00265-GMN-NJK].

13 13. On February 2, 2023, Magistrate Judge Koppe granted the Motion to Be Added to
14 the Protective Order in the criminal case [ECF No. 2299 in 2:16-cr-00265-GMN-NJK].

15 14. Since the granting of the Motion, Plaintiff's counsel has been attempting to get all
16 of the underlying criminal discovery in an organized fashion from the defendants in the first trial
17 through their prior counsel and is still in the process of doing so. Voll also provided unorganized
18 discovery to undersigned counsel.

19 15. Plaintiff's counsel has also been preparing for and in trial in a case that started
20 Monday, February 27, 2023 that was anticipated to last six to seven weeks. To allow time for
21 Plaintiff's counsel to review the underlying criminal discovery for purposes of prosecuting this civil
22 case and further responding to the pending Motions to Dismiss and/or filing an Amended Complaint
23 in light of the delay in getting the discovery and her trial preparation, the parties have stipulated to
24 extend Plaintiff's response deadline to the Motions to Dismiss to March 29, 2023. The parties have
25 further stipulated to allow Defendants UNITED STATES OF AMERICA and DAVID N. KARPEL
26 until April 19, 2023 to file its response to Plaintiff's filing.

27 16. This Request for an extension of time is not sought for any improper purpose or
28 other purpose of delay. Rather, it is sought by the parties solely to allow sufficient time for Plaintiff's

counsel to review the underlying criminal discovery for purposes of prosecuting this civil case and further responding to the pending Motions to Dismiss and/or filing an Amended Complaint in light of the recent granting of the motion to add Plaintiff's counsel to the protective order in the criminal case and undersigned counsel's trial preparation schedule over the last month.

WHEREFORE, the parties respectfully request that the Court extend the deadlines as stipulated to herein.

DATED this 10th day of March, 2023.

DATED 10th day of March, 2023.

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

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C. SALVATORE D'ALESSIO, JR.
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IT IS SO ORDERED.

March 13, 2023

DATE


UNITED STATES DISTRICT JUDGE